



General Assembly

January Session, 2003

Committee Bill No. 6115

LCO No. 4712

Referred to Committee on Human Services

Introduced by:
(HS)

**AN ACT CONCERNING CLAIMS OF THE STATE FOR REPAYMENT
OF AID.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 17b-94 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) In the case of causes of action of beneficiaries of aid under the
4 state supplement program, medical assistance program, aid to families
5 with dependent children program, temporary family assistance
6 program or state-administered general assistance program, subject to
7 subsections (b) and (c) of section 17b-93, or of a parent of a beneficiary
8 of the aid to families with dependent children program, the temporary
9 family assistance program or the state-administered general assistance
10 program, the claim of the state shall be a lien against the proceeds
11 [therefrom] of such causes of actions. The state's lien shall be in the
12 amount of the assistance paid or [fifty] (1) if the amount of the
13 proceeds is less than four thousand dollars, thirty-five per cent of the
14 proceeds received by such beneficiary or such parent after payment of
15 all expenses connected with the cause of action, whichever is less, for
16 repayment under [said] section 17b-93, [and] (2) if the amount of the

17 proceeds is four thousand dollars or more but less than ten thousand
18 dollars, forty-five per cent of the proceeds received by such beneficiary
19 or such parent after payment of all expenses connected with the cause
20 of action, whichever is less, for repayment under section 17b-93, and
21 (3) if the amount of the proceeds is ten thousand dollars or more, fifty-
22 five per cent of the proceeds received by such beneficiary or such
23 parent after payment of all expenses connected with the cause of
24 action, whichever is less, for repayment under section 17b-93. The
25 state's claim for repayment under section 17b-93 shall have priority
26 over all other claims except attorney's fees for said causes, expenses of
27 suit, costs of hospitalization connected with the cause of action by
28 whomever paid over and above hospital insurance or other such
29 benefits, and, for such period of hospitalization as was not paid for by
30 the state, physicians' fees for services during any such period as are
31 connected with the cause of action over and above medical insurance
32 or other such benefits; and such claim shall consist of the total
33 assistance repayment for which claim may be made under said
34 programs. The proceeds of such causes of action shall be assignable to
35 the state for payment of the amount due under said section 17b-93,
36 irrespective of any other provision of law. Upon presentation to the
37 attorney for the beneficiary of an assignment of such proceeds
38 executed by the beneficiary or his conservator or guardian, such
39 assignment shall constitute an irrevocable direction to the attorney to
40 pay the Commissioner of Administrative Services in accordance with
41 its terms, except if, after settlement of the cause of action or judgment
42 thereon, the Commissioner of Administrative Services does not inform
43 the attorney for the beneficiary of the amount of lien which is to be
44 paid to the Commissioner of Administrative Services within forty-five
45 days of receipt of the written request of such attorney for such
46 information, such attorney may distribute such proceeds to such
47 beneficiary and shall not be liable for any loss the state may sustain
48 thereby.

49 (b) In the case of an inheritance of an estate by a beneficiary of aid
50 under the state supplement program, medical assistance program, aid

51 to families with dependent children program, temporary family
 52 assistance program or state-administered general assistance program,
 53 subject to subsections (b) and (c) of section 17b-93, [fifty] (1) for assets
 54 with value of less than ten thousand dollars, thirty per cent of the
 55 assets of the estate payable to the beneficiary or the amount of such
 56 assets equal to the amount of assistance paid, whichever is less, shall
 57 be assignable to the state for payment of the amount due under [said]
 58 section 17b-93, (2) for assets with value of ten thousand dollars or more
 59 but less than fifteen thousand dollars, fifty per cent of the assets
 60 payable to the beneficiary or the amount of such assets equal to the
 61 amount of assistance paid, whichever is less, shall be assignable to the
 62 state for repayment of the amount due under section 17b-93, and (3)
 63 for assets with value of fifteen thousand dollars or more, fifty-five per
 64 cent of the assets payable to the beneficiary or the amount of such
 65 assets equal to the amount of assistance paid, whichever is less, shall
 66 be assignable to the state for repayment of the amount due under
 67 section 17b-93. The Court of Probate shall accept any such assignment
 68 executed by the beneficiary and filed by the Commissioner of
 69 Administrative Services with the court prior to the distribution of such
 70 inheritance, and to the extent of such inheritance not already
 71 distributed, the court shall order distribution in accordance therewith.
 72 If the Commissioner of Administrative Services receives any assets of
 73 an estate pursuant to any such assignment, the commissioner shall be
 74 subject to the same duties and liabilities concerning such assigned
 75 assets as the beneficiary.

This act shall take effect as follows:	
Section 1	July 1, 2003

Statement of Purpose:

To implement a graduated rate of recoupment for situations governed by section 17b-94 of the general statutes whereby the state seeks repayment of moneys advanced to individuals in the form of social services program benefits.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. FLEISCHMANN, 18th Dist.

H.B. 6115